

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

In re:

FREE SPEECH SYSTEMS, LLC,

DEBTOR.

§  
§  
§  
§  
§  
§

Case No. 22-60043

Chapter 11 (Subchapter V)

**NOTICE OF APPEAL AND STATEMENT OF ELECTION**

**Part 1: Identify the appellant(s)**

1. Name(s) of appellant(s):

W. Marc Schwartz and Schwartz Associates, LLC

2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

☐ Plaintiff

☐ Defendant

☐ Other (describe) Counter-Claimant

For appeals in a bankruptcy case and not in an adversary proceeding.

☐ Debtor

☐ Creditor

☐ Trustee

☒ Other (describe) Movant on Motion for Rehearing

**Part 2: Identify the subject of this appeal**

1. Describe the judgment, order, or decree appealed from: *Order Denying Motion for Rehearing on Debtor's Application to Employ Advisor* [Docket No. 402] attached hereto as **Exhibit A**.
2. State the date on which the judgment, order, or decree was entered: January 20, 2023.

**Part 3: Identify the other parties to the appeal**

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

<p><b><u>Appellant</u></b></p> <p>W. March Schwartz and Schwartz Associates, LLC</p>	<p><b><u>Counsel</u></b></p> <p>Michael P. Ridulfo  Texas Bar No. 16902020  Federal Bar No. 27086  KANE RUSSELL COLEMAN LOGAN PC  5151 San Felipe, Suite 800  Houston, Texas 77056  Telephone: 713-425-7400  Fax: 713.425.7700  Email: mridulfo@krcl.com</p>
<p><b><u>Appellee 1</u></b></p> <p>Kevin Epstein, U.S. Trustee for Region 7</p>	<p><b><u>Counsel</u></b></p> <p>Ha Nguyen  Office of the United States Trustee  515 Rusk Street, Suite 3516  Houston, TX 77002  Email: Ha.Nguyen@usdoj.gov</p>
<p><b><u>Appellee 2</u></b></p> <p>Neil Heslin</p>	<p><b><u>Counsel</u></b></p> <p>Avi Moshenberg  McDowell Hetherington LLP  1001 Fannin Street, Suite 2700  Houston, Texas 77002  Tel: 713-337-5580  Email: avi.moshenberg@mhllp.com</p> <p>Jarrod B. Martin  Chamberlain, Hrdlicka, White, Williams, &amp; Aughtry, PC  1200 Smith Street, Suite 1400  Houston, Texas 77002  Tel: 713-356-1280  Email: jarrod.martin@chamberlainlaw.com</p>

<p><b><u>Appellee 3</u></b></p> <p>Scarlett Lewis</p>	<p><b><u>Counsel</u></b></p> <p>Avi Moshenberg  McDowell Hetherington LLP  1001 Fannin Street, Suite 2700  Houston, Texas 77002  Tel: 713-337-5580  Email: avi.moshenberg@mhlhp.com</p> <p>Jarrold B. Martin  Chamberlain, Hrdlicka, White, Williams, &amp; Aughtry,  PC  1200 Smith Street, Suite 1400  Houston, Texas 77002  Tel: 713-356-1280  Email: Jarrod.martin@chamberlainlaw.com</p>
<p><b><u>Appellee 4</u></b></p> <p>Leonard Pozner</p>	<p><b><u>Counsel</u></b></p> <p>Avi Moshenberg  McDowell Hetherington LLP  1001 Fannin Street, Suite 2700  Houston, Texas 77002  Tel: 713-337-5580  Email: avi.moshenberg@mhlhp.com</p> <p>Jarrold B. Martin  Chamberlain, Hrdlicka, White, Williams, &amp; Aughtry,  PC  1200 Smith Street, Suite 1400  Houston, Texas 77002  Tel: 713-356-1280  Email: jarrod.martin@chamberlainlaw.com</p>
<p><b><u>Appellee 5</u></b></p> <p>Veronique De La Rosa</p>	<p><b><u>Counsel</u></b></p> <p>Ryan Chapple  Cain &amp; Skarnulis PLLC  303 Colorado Street, Suite 2850  Austin, Texas 78701  Tel: 512-477-5000  Email: rchapple@cstrial.com</p>

<p><b><u>Appellee 6</u></b></p> <p>Marcel Fontaine</p>	<p><b><u>Counsel</u></b></p> <p>Ryan Chapple Cain &amp; Skarnulis PLLC 303 Colorado Street, Suite 2850 Austin, Texas 78701 Tel: 512-477-5000 Email: rchapple@cstrial.com</p>
<p><b><u>Appellee 7</u></b></p> <p>David Wheeler</p>	<p><b><u>Counsel</u></b></p> <p>Ryan Chapple Cain &amp; Skarnulis PLLC 303 Colorado Street, Suite 2850 Austin, Texas 78701 Tel: 512-477-5000 Email: rchapple@cstrial.com</p>
<p><b><u>Appellee 8</u></b></p> <p>Francine Wheeler</p>	<p><b><u>Counsel</u></b></p> <p>Ryan Chapple Cain &amp; Skarnulis PLLC 303 Colorado Street, Suite 2850 Austin, Texas 78701 Tel: 512-477-5000 Email: rchapple@cstrial.com</p>
<p><b><u>Appellee 9</u></b></p> <p>Jacqueline Barden</p>	<p><b><u>Counsel</u></b></p> <p>Ryan Chapple Cain &amp; Skarnulis PLLC 303 Colorado Street, Suite 2850 Austin, Texas 78701 Tel: 512-477-5000 Email: rchapple@cstrial.com</p>
<p><b><u>Appellee 10</u></b></p> <p>Mark Barden</p>	<p><b><u>Counsel</u></b></p> <p>Ryan Chapple Cain &amp; Skarnulis PLLC 303 Colorado Street, Suite 2850 Austin, Texas 78701 Tel: 512-477-5000 Email: rchapple@cstrial.com</p>

<p><b><u>Appellee 11</u></b></p> <p>Nicole Hockley</p>	<p><b><u>Counsel</u></b></p> <p>Ryan Chapple Cain &amp; Skarnulis PLLC 303 Colorado Street, Suite 2850 Austin, Texas 78701 Tel: 512-477-5000 Email: rchapple@cstrial.com</p>
<p><b><u>Appellee 12</u></b></p> <p>Ian Hockley</p>	<p><b><u>Counsel</u></b></p> <p>Ryan Chapple Cain &amp; Skarnulis PLLC 303 Colorado Street, Suite 2850 Austin, Texas 78701 Tel: 512-477-5000 Email: rchapple@cstrial.com</p>
<p><b><u>Appellee 13</u></b></p> <p>Jennifer Hensel</p>	<p><b><u>Counsel</u></b></p> <p>Ryan Chapple Cain &amp; Skarnulis PLLC 303 Colorado Street, Suite 2850 Austin, Texas 78701 Tel: 512-477-5000 Email: rchapple@cstrial.com</p>
<p><b><u>Appellee 14</u></b></p> <p>Donna Soto</p>	<p><b><u>Counsel</u></b></p> <p>Ryan Chapple Cain &amp; Skarnulis PLLC 303 Colorado Street, Suite 2850 Austin, Texas 78701 Tel: 512-477-5000 Email: rchapple@cstrial.com</p>
<p><b><u>Appellee 15</u></b></p> <p>Carlee Soto Parisi</p>	<p><b><u>Counsel</u></b></p> <p>Ryan Chapple Cain &amp; Skarnulis PLLC 303 Colorado Street, Suite 2850 Austin, Texas 78701 Tel: 512-477-5000 Email: rchapple@cstrial.com</p>

<p><b><u>Appellee 16</u></b></p> <p>Carlos M. Soto</p>	<p><b><u>Counsel</u></b></p> <p>Ryan Chapple Cain &amp; Skarnulis PLLC 303 Colorado Street, Suite 2850 Austin, Texas 78701 Tel: 512-477-5000 Email: rchapple@cstrial.com</p>
<p><b><u>Appellee 17</u></b></p> <p>Jillian Soto-Marino</p>	<p><b><u>Counsel</u></b></p> <p>Ryan Chapple Cain &amp; Skarnulis PLLC 303 Colorado Street, Suite 2850 Austin, Texas 78701 Tel: 512-477-5000 Email: rchapple@cstrial.com</p>
<p><b><u>Appellee 18</u></b></p> <p>William Aledenberg</p>	<p><b><u>Counsel</u></b></p> <p>Ryan Chapple Cain &amp; Skarnulis PLLC 303 Colorado Street, Suite 2850 Austin, Texas 78701 Tel: 512-477-5000 Email: rchapple@cstrial.com</p>
<p><b><u>Appellee 19</u></b></p> <p>William Sherlach</p>	<p><b><u>Counsel</u></b></p> <p>Ryan Chapple Cain &amp; Skarnulis PLLC 303 Colorado Street, Suite 2850 Austin, Texas 78701 Tel: 512-477-5000 Email: rchapple@cstrial.com</p>
<p><b><u>Appellee 20</u></b></p> <p>Robert Parker</p>	<p><b><u>Counsel</u></b></p> <p>Ryan Chapple Cain &amp; Skarnulis PLLC 303 Colorado Street, Suite 2850 Austin, Texas 78701 Tel: 512-477-5000 Email: rchapple@cstrial.com</p>

<p><b><u>Appellee 21</u></b></p> <p>Alexander E. Jones</p>	<p><b><u>Counsel</u></b></p> <p>Vickie L. Driver Christina W. Stephenson Crowe &amp; Dunlevy, P.C. 2525 McKinnon St., Suite 425 Dallas, TX 75201 Tel: 737-218-6187 Email: dallaseservice@crowedunlevy.com</p> <p>Shelby A. Jordan Antonio Ortiz Jordan &amp; Ortiz, P.C. 500 North Shoreline Blvd., Suite 900 Corpus Christi, TX 78401 Tel: 361-884-5678 Email: sjordan@jhwclaw.com aortiz@jhwclaw.com</p>
<p><b><u>Other Interested Party</u></b></p> <p>Free Speech Systems, LLC</p>	<p><b><u>Counsel</u></b></p> <p>Raymond W. Battaglia Law Office of Raymond W. Battaglia 66 Granburg Circle San Antonio, Texas 78218 Tel: 210-601-9405 Email: rbattagliaw@outlook.com</p>

**Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)**

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

- ☐ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

**Part 5: Sign below**

**KANE RUSSELL COLEMAN LOGAN PC**

Date: February 3, 2022

By: /s/ Michael P. Ridulfo  
Michael P. Ridulfo  
State Bar No. 16902020  
Federal Bar No. 27086  
5151 San Felipe Street, Suite 800  
Houston, Texas 77056  
Telephone: 713.425.7400  
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E-mail: [mridulfo@krcl.com](mailto:mridulfo@krcl.com)

**COUNSEL TO W. MARC SCHWARTZ AND SCHWARTZ ASSOCIATES, LLC**

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

**CERTIFICATE OF SERVICE**

This is to certify that on the 3<sup>rd</sup> day of February, 2022, a true and correct copy of the foregoing document was served via the Court's CM/ECF notification system, which will send notice of electronic filing to all counsel of record.

/s/ Michael P. Ridulfo  
Michael P. Ridulfo



# EXHIBIT A

**ENTERED**

January 20, 2023

Nathan Ochsner, Clerk

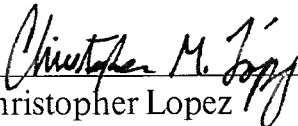
**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>In re:</b>	§	
	§	
<b>FREE SPEECH SYSTEMS, LLC,</b>	§	<b>Case No. 22--60043</b>
	§	
<b>DEBTOR.</b>	§	<b>(Subchapter V Debtor)</b>
	§	<b>Chapter 11</b>

**ORDER DENYING MOTION FOR REHEARING ON  
DEBTOR'S APPLICATION TO EMPLOY ADVISOR**  
**(RE: Docket No. 207)**

This motion is denied for the reasons stated on the record at the  
January 20, 2023 hearing.

Signed: January 20, 2023

  
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Christopher Lopez  
United States Bankruptcy Judge